

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civ. A. No. 04-11713-NMG

**AHMAD SHREATEH** )  
12 Palis Drive )  
Salisbury, MA 01952 )  
Plaintiff )

**vs.** )

**PLAINTIFF ATTORNEY'S AFFIDAVIT**

**FANNIE MAE, a/k/a** )  
Wisconsin Avenue, )  
Washington, D.C. )

**and** )

**MARK HOLMES** )  
c/o Fannie Mae )  
Wisconsin Avenue, )  
Washington, D.C. )  
Defendants )

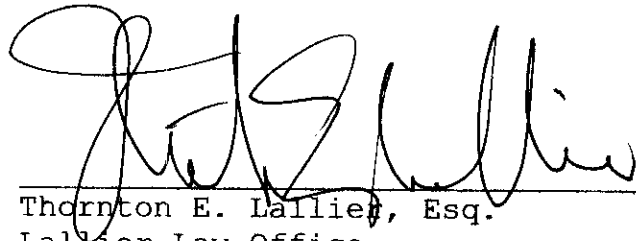
1. I, Thornton E. Lallier of Amesbury, MA, do swear and depose under the pains and penalties of perjury upon personal knowledge of the facts and matters herein, except those stated on information and belief and, as to those, I believe them to be true.
2. Plaintiff, acting in pro se, filed a Complaint in the above matter naming Fannie Mae and its employee Mark Holmes as parties. A single summons naming those parties as Defendants was sent to their same address where both

parties are located in Washington, DC. **Exhibit 1, summons;**  
**Exhibit 2, certified receipt of summons and complaint.**

3. On or about August 10, 2004, Fannie Mae through its attorney answered the Complaint and had the Complaint removed from the Essex Superior Court to the U.S. District Court.
4. Fannie Mae would not accept service or waive service for Mark Holmes, its employee, but **stated** Mark Holmes was not served.
5. I received information from Plaintiff about his case. I reviewed his documents. I called Defendants' counsel and asked and was informed Fannie Mae would not accept or waive Mark Holmes' service before I entered my appearance.
6. I checked the law on the facts presented to me and reasonably believed there was a legitimate claim for Plaintiff's alleged injury. I prepared documents to clarify and simplify the issues, including my Appearance, Motion to Amend the Complaint and Motion to seek extended time to serve an Amended Summons. Upon review of these documents with Plaintiff first, I then accepted being his attorney more so upon filing my appearance in U.S. District Court in Boston on or about October 25, 2004.
7. Upon further review of the Rules, a second Motion to Amend has been filed, subject to it being approved by Court, to

have the present Summons to be amended and re-issued, if necessary, to serve upon Mark Holmes. This is for simplifying the record, although duplication of efforts to bring Mark Holmes into this case as a necessary Defendant is already known to be such by all parties and attorneys at this time.

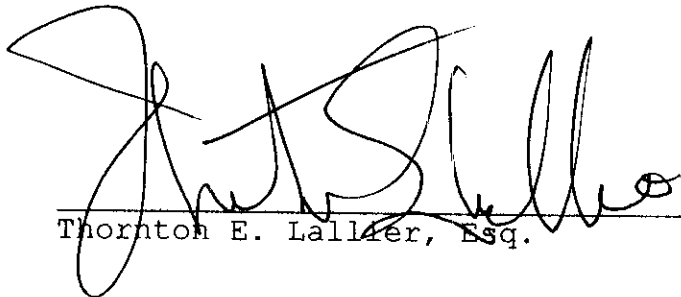
Signed under the pains and penalties of perjury this 18<sup>th</sup> day of November, 2004.



Thornton E. Lallier, Esq.  
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Amesbury, MA 01913  
978-388-9500  
BBO#283680  
E-mail: [ted@lallierlaw.com](mailto:ted@lallierlaw.com)

#### CERTIFICATE OF SERVICE

I, Thornton E. Lallier, Esq., certify that I have mailed a copy of the foregoing to Neil Jacobs, Esq., and C. Tama Donovan, Esq., Wilmer Cutler Pickering Hale & Dorr, L.P., 60 State Street, Boston, MA 02109 on November 18, 2004.



Thornton E. Lallier, Esq.

**EXHIBIT 1**

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT -  
CONTRACT - EQUITABLE RELIEF - OTHER.)

## COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT  
CIVIL ACTION  
No.

RECEIVED  
LEGAL DEPARTMENT  
JUL - 8 AM 11:29  
2004

AHMAD SHREATH

, Plaintiff(s)

FANNIE MAE & MARK HOLMES

, Defendant(s)

### SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon AHMAD Shreath  
plaintiff's attorney, whose address is 12 PALIS DR. Salisbury MA 01952, an answer to the  
complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the  
day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the  
complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at  
Newburyport Superior either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may  
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's  
claim or you will thereafter be barred from making such claim in any other action.

WITNESS, SUZANNE V. DeIVECCHIO, Esquire, at Salem, the  
day of \_\_\_\_\_, in the year of our Lord two thousand

Thomas H. Driscoll Jr.  
Clerk

#### NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

**EXHIBIT 2**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>FANNIE MAE LEGAL DEPT 3900 WISCONSIN AVE NW WASHINGTON, DC 20016</i></p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery  <i>7-6-04</i></p>	
<p>2. Article Number          (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	

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